



Appeal Decision

Site visit made on 19 March 2025

by **A Dawe BSc (Hons), MSc, MPhil, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/C3105/D/24/3348497

The Coach House, Hanwell Castle, Hanwell, Nr Banbury, Oxfordshire OX17 1HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr. J. Christopher Taylor against the decision of Cherwell District Council.
 - The application Ref is 21/02028/F.
 - The development proposed is free-standing garden room in the grounds, to serve existing household.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was made, a new version of the National Planning Policy Framework has been published dated December 2024 (the Framework). However, the relevant elements of the Framework to this appeal have remained unchanged, other than the paragraph numbering, and so no parties would be prejudiced by this.

Main Issues

3. The main issues are whether the proposal would preserve the significance of the Grade II* listed building known as Hanwell Castle (Ref: 1287674) (the LB), and the extent to which it would preserve or enhance the character or appearance of the Hanwell Conservation Area (the CA).

Reasons

4. The LB derives its significance from it being a former great house, the construction of which commenced in the late 15th century for William Cope who was cofferer to Henry VII. I understand that it was originally built around a courtyard with the main entrance on the west side and that it was described as a very pleasant and gallant house, also visited by James I. I also understand that most of the house was demolished in the 18th century, and that there have been various additions since, as I saw to be the case, including its division into more than one dwelling. Nevertheless, the south-west tower and south range of the original house still remains, albeit with some later extensions. The south range includes diaper patterned blue and red brick, limestone dressings, 2, 3 and 4 light windows with mullions and an oriel window, steeply pitched stone slate roof, and brick ridge and end stacks. The 3-storey tower includes red brick with diaper patterns in blue brick, and ironstone quoins, 4 light windows on the south side, transomed on the ground floor, together with two corner turrets and crenelated parapets.
5. As referred to above, the LB originally had its main entrance on the west side and it is from the road alongside St Peter's Church that there remains a significant public

view of the LB including the south-west tower. The access drive, which serves the existing dwellings, approaches the LB from the north-west and now focusses towards and culminates in front of the northern elevation of the south range and the modern east wing. That east wing is the most clearly visible element of the building as a whole for much of the approach along the access drive. However, those key original elements of the LB are still prominent features in terms of the significance of the LB, and although intervening vegetation filters or screens them to varying degrees on that approach, likely to be more so in the summer months with leaves on the trees, they are clearly visible on the close approach.

6. Contributing to that sense of arrival is the pleasant, predominantly undeveloped grassed and vegetated enclosed grounds, albeit not all under one ownership with a large area relating to The Coach House, and understood to be much changed from its origins, including the current extent of tree planting. The boundaries associated with the separate dwellings now associated with the LB, on the LB's northern side, are also more clearly defined in the closer vicinity of the building. That includes a distinctly formal lawn area to the north of the east wing, separated from the vegetated area beyond by a rail fence and hedge. Nevertheless, the grounds of the LB, despite the different ownerships, generally maintain an open yet vegetated and tree dominated character. That setting is also clearly visible from the LB and its close vicinity, albeit with the extent of views across the grounds varying restricted by the trees.
7. The setting also includes a large upper pond retained by a dam, located to the north and north-east of the LB, with water feeding from it down through the valley to its south-east, east of the LB. The pond is visible from the northern side of the LB, via a gap in the trees surrounding that feature, adjacent to the formal lawn area, as well as close at hand from an informal path running around it.
8. The CA derives its significance from the LB and grounds, albeit not now all under a single ownership as referred to above, as well as the adjacent village area, including its generally stone built dwellings and St Peter's Church. However, the LB and its grounds form a substantial and distinct sub-set of that wider CA with inward views to it significantly restricted by boundary walls and vegetation. Nevertheless, any lack of public visibility is not necessarily a determinative factor in considering effects on conservation areas. Whilst views of the LB and its grounds are largely restricted to private land, notwithstanding the clear public view of the LB from the vicinity of St Peter's Church, the Appellant highlights that there is more general access to the grounds on occasions, such as for Heritage open days.
9. The proposal would be of a simple design, and I have no substantive basis to consider that the proposed materials would not be appropriate in the local context. However, whilst it would only be a single storey building, the combination of the extent of its footprint; and maximum height, relating to the main façade, akin to that of a modest two storey dwelling, albeit not intended or internally designed for such a use; would result in a garden room of significant size and mass.
10. The proposed building would also be located in quite close proximity to the LB, being near to the formal northern lawn area, and also not far from the access drive. It would be set within a vegetated area with established trees on all sides, including a high hedge to the south alongside the formal lawn area referred to above. It would therefore be sited in a location, and at a point, where the formality of the LB and its immediate surrounds clearly and distinctly gives way to its less formal tree

dominated wider landscaped setting. To varying degrees, the proposal's presence would be softened and partially or fully screened by the surrounding vegetation, dependent on the viewing position, including from the access drive. However, it is likely that the extent of that would be less so in the months of leaf fall due to the significant number of deciduous trees, albeit acknowledging the presence of some evergreen trees and vegetation.

11. Seen from the LB and its close vicinity, it is unlikely that the proposal would significantly obscure views of the pond, due to the relative positions and already intervening vegetation. It is also likely that the proposal would be at least partially screened or softened by the intervening vegetation in such views, including by the high hedge referred to previously. However, it is likely that the hedge would not be as an effective a screen during the months of leaf fall. It is also likely that the highest part of the proposed building would be seen over the top of the hedge from the LB, and even if it were to be grown higher, there could be no guarantee of its longer term retention and maintenance as an effective screen.
12. As such the building would be visible from the LB and its close vicinity in the context of the grounds generally and the pond, albeit offset from the limited views of that feature. I note the Appellant's claim as to the established age of the hedge and intention to maintain it in the future, together with a willingness to secure this in a planning obligation. However, no such formal mechanism has been submitted with the appeal to enable proper consideration of such measures.
13. From the path around the pond, the proposed development would be seen from the south-eastern and part of the northern bank, albeit to varying degrees and likely to be more so during the months of leaf fall. Particularly from part of the northern side of the pond, the proposal would also be likely to be seen together with the LB and its formal lawn area, albeit offset and with the intervening filtering and varying degrees of screening from trees and other vegetation. The extent of prominence of different elements of the LB in those views across the pond varies depending on the specific vantage point. Nevertheless, the proposal and LB, including the original tower and south range to varying degrees, as well as the modern east wing, would be seen in the same general views, more so in the months of leaf fall from the deciduous trees.
14. Furthermore, from the different vantage points where the proposal would be seen to varying degrees through or softened by intervening vegetation, despite the tapering downwards of the roof slope from front to back, and the proposed use of slate on the roof, it is likely that it would still be clearly noticeable as a significant formal feature that would draw the eye due to its size and massing. The degree of regularity of the proposal's built form, with generally straight lines and flat elevation planes, would be likely to contribute to it standing out when seen through, against the backdrop of, and in contrast to that vegetation.
15. I acknowledge the intention to grow vegetation on the rear elevation of the proposed building, facing the access drive. However, I have no details of such planting to enable proper consideration of such a measure, albeit it is unlikely that such a measure alone would disguise the overall size and massing of the building. Furthermore, in any case, such planting could not be guaranteed to survive or be maintained in the longer term as an effective cover.

16. I acknowledge that the LB has had relatively recent additions, including a conservatory on the south side and the modern east wing. I do not have the full details of those developments or the planning circumstances. Nevertheless, those additions to the LB itself are not comparable to consideration of the proposed separate building within the grounds which I have considered on its merits.
17. I have had regard to the claim that the proposal is just the kind of building that might be expected to be encountered, taking advantage of its position above the slope down to the pond. However, I have considered the appeal having regard to all of the evidence relating the merits of this case and my observations. Furthermore, whilst other historic buildings may have comparable garden buildings, including that referred to in the submissions relating to Wroxton Abbey, I do not have full details of their circumstances, and in any case have considered this proposal on its own merits.
18. I note the claim that, amongst other things, the proposal's provision of views towards the pond would contribute to the enhancement of the character and appearance of the CA. In this respect, whilst it would provide a sheltered vantage point from the location concerned, it would be unlikely to enable significantly different or improved views of the pond when compared with those already available from that vicinity, albeit currently unsheltered. As such I consider it unlikely that the CA would be enhanced in this respect.
19. For the above reasons, the proposal would noticeably interrupt, and draw the eye as an incongruous addition to, the existing distinct setting of the LB and the part of the CA comprising the LB and its grounds.
20. The proposal would therefore fail to preserve the significance of the LB and the character and appearance of the CA. As such, it would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also be contrary to policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 adopted 20 July 2015 which, amongst other things, sets out that new development proposals should conserve, sustain and enhance designated heritage assets. The proposal would also be contrary to paragraph 210 of the Framework which highlights, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets.
21. For the purposes of the planning balance, which I shall come on to, this harm carries considerable importance and weight.
22. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state, amongst other things, that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
23. Given the relatively small-scale nature of the proposal in relation to the LB and its setting and the CA, the harm caused to those heritage assets would be less than substantial in this case. Having regard to paragraph 215 of the Framework, as I have found there would be less than substantial harm to the significance of designated heritage assets, this harm should be weighed against the public benefits of the proposals including, where appropriate, securing their optimum viable use.

24. I note the Appellant's sensitivity to the site's archaeological interest, including investigation works carried out and benefits arising from that such as the involvement of volunteers and school pupils, and learning arising from the excavations. I note that such investigations have also been conducted on the site of the proposed building and I have no substantive basis to consider the proposal likely to cause harm in respect of archaeological heritage, subject to any necessary conditions to secure further investigation and mitigation. However, I have no substantive evidence to indicate that the archaeological investigations, and the above factors relating to it, are a direct clear benefit that would arise from the proposed development.
25. It is stated that the proposal would have benefits, including provision of space for recreation and entertaining guests, and similar domestic uses; a writing and book room for an academic household often requiring extensive workspace; permanent display space for some of the artefacts unearthed and recorded from the Hanwell Castle site, whereby over the last few years some of this material has been on temporary display in a tent during public open weekends; together with a temporary display space for visits by historical and archaeological special interest groups and societies, including national societies. It is also stated that future occupiers may also use the building for purposes such as a music room.
26. I acknowledge those benefits for the current occupiers, facilitation of display space, and the potential benefit for future occupiers. However, I have no substantive evidence of the extent to which there would be a reliance on the proposed building to undertake the purposes or visits highlighted, albeit likely to provide an enhancement to existing provision in these respects. Furthermore, I have no substantive evidence to indicate that the proposal would be necessary to provide acceptable living conditions for current and future occupants of the property, or to preserve the ongoing use and integrity of the Coach House and LB generally.
27. As such, there is no substantive evidence that the above benefits would be to such an extent as to amount to significant public benefits. I have also found that the proposal would be unlikely to enable significantly different or improved views of the pond when compared with the existing situation.
28. For the above reasons, the public benefits of the proposal would be insufficient to outweigh the less than substantial harm that would be caused to the significance of the LB and the character and appearance of the CA.

Other Matters

29. I note the Appellant's concerns about the way the Council dealt with the planning application and the claimed shortcomings of consultee representations. I also note that no objections were received from local residents or from Hanwell Parish Council. However, I have determined the appeal on its merits based on all of the planning evidence before me and my observations.

Conclusion

30. For the reasons given above the appeal should be dismissed.

A Dawe INSPECTOR